

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DERRICK E. ELLIS,)	
)	
Plaintiff,)	
)	
)	
vs.)	CASE NO. 3:09-0554
)	JUDGE TRAUGER/KNOWLES
)	
)	
JACQUELINE A. BURR, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

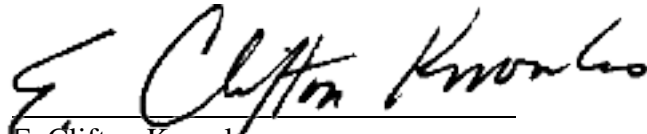
On February 25, 2010, the undersigned entered an Order, pursuant to Fed. R. Civ. P. 4(m), requiring Plaintiff to file a written statement, within 20 days, showing good cause for his failure to serve Defendants Jacqueline A. Burr and Wendy J. Davis within 120 days after the filing of the Complaint. Docket No. 46. Plaintiff's written statement was due on or before March 17, 2010. That Order stated in part, "If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice." Docket No. 46, p. 2.

Plaintiff has failed to comply with the Court's prior Order.

Therefore, the undersigned recommends that this action be dismissed without prejudice as to Defendants Jacqueline A. Burr and Wendy J. Davis, for Plaintiff's failure to comply with the Court's prior Order and for failure to serve these Defendants within 120 days after the filing of the Complaint.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14)

days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge